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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

UINTAH COUNTY, UTAH, a Utah political subdivision; UNTAH COUNTY BOARD OF COMMISSIONERS;)))	
Plaintiffs,)))	Case No. 2:10-cv-00970-CW
v.)))	The Honorable Clark Waddoups
KEN SALAZAR, in his official capacity as SECRETARY OF THE INTERIOR, <i>et al.</i> ,)))	
Defendants,)))	REPLY IN SUPPORT OF MOTION TO INTERVENE AS DEFENDANT
SOUTHERN UTAH WILDERNESS ALLIANCE, <i>et al.</i> ,)))	
<u>Proposed Defendant-Intervenors.</u>)))	

Proposed Defendant-Intervenors Southern Utah Wilderness Alliance, The Wilderness Society, Sierra Club (collectively “SUWA”) have moved to intervene in the above captioned matter as defendants. The federal defendants do not SUWA’s motion. The plaintiffs likewise do

not oppose SUWA's intervention. *See Plaintiffs' Response to Southern Utah Wilderness Alliance et al.'s Motion to Intervene as Defendant*, at 1 ("Plaintiffs . . . take no position on SUWA's motion to intervene given the liberal case law regarding intervention in the Tenth Circuit.") (Docket No. 23).¹ Undersigned counsel has conferred with counsel for plaintiffs and federal defendants, Ms. Constance Brooks and Mr. Jared Bennett, respectively, and both have indicated that their clients' position regarding SUWA's motion to intervene will not change after plaintiffs file their anticipated amended complaint. *See Stipulated Motion for Extension of Time to Answer or Otherwise Respond to the Complaint and the Filing of an Amended Complaint*, at 2 (discussing plaintiffs' intention to file an amended complaint) (Docket No. 24).

Thus, SUWA respectfully requests that it be allowed to intervene in this litigation as a matter of right or, in the alternative, that it be granted permissive intervention.

Respectfully submitted this 27th day of January, 2011.

/s/ Stephen Bloch

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¹Though plaintiffs do not oppose SUWA's motion to intervene, they opine that SUWA's interests are adequately represented by the federal defendants. *Plaintiffs' Response* at 1-2. Plaintiffs do not cite any legal authority to support this argument. *See id.* As SUWA explained in its memorandum in support of its motion to intervene, it has demonstrated that the federal defendants' "representation of [its] interests 'may be' inadequate," a burden that the Supreme Court has described as "minimal." SUWA Memorandum in Support of Motion to Intervene as Defendant (SUWA Memo.), at 21-23 (quoting *Trbovich v. United Mine Workers*, 404 U.S. 528, 538 n. 10 (1972)) (Docket No. 18); *id.* (a potential intervenor "need only show the possibility of inadequate representation") (quoting *WildEarth Guardians v. U.S. Forest Serv.*, 573 F.3d 992, 996 (10th Cir. 2009)). *See also Utah Ass'n of Counties v. Clinton*, 255 F.3d 1246, 1253 (10th Cir. 2001)).

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Attorneys for Proposed Defendant-Intervenor
Southern Utah Wilderness Alliance *et al.*

CERTIFICATE OF SERVICE

I hereby certify that on the 27th day of January, 2011 I caused a true and correct copy of the following: **REPLY IN SUPPORT OF MOTION TO INTERVENE AS DEFENDANT** to each of the following persons through the Court's electronic case filing system:

Constance E. Brooks

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